

# House Study Bill 229

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON MASCHER)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the licensing of midwives under a title Act  
2 and providing for a fee and a penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 2311HC 83  
5 jr/rj/14

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1 1 Section 1. Section 147.1, subsections 3 and 6, Code 2009,  
1 2 are amended to read as follows:  
1 3 3. "Licensed" or "certified", when applied to a physician  
1 4 and surgeon, podiatric physician, osteopathic physician and  
1 5 surgeon, physician assistant, psychologist, chiropractor,  
1 6 nurse, dentist, dental hygienist, dental assistant,  
1 7 optometrist, speech pathologist, audiologist, pharmacist,  
1 8 physical therapist, physical therapist assistant, occupational  
1 9 therapist, occupational therapy assistant, respiratory care  
1 10 practitioner, practitioner of cosmetology arts and sciences,  
1 11 practitioner of barbering, funeral director, dietitian,  
1 12 marital and family therapist, mental health counselor, social  
1 13 worker, massage therapist, midwife, athletic trainer,  
1 14 acupuncturist, nursing home administrator, hearing aid  
1 15 dispenser, or sign language interpreter or transliterator  
1 16 means a person licensed under this subtitle.  
1 17 6. "Profession" means medicine and surgery, podiatry,  
1 18 osteopathic medicine and surgery, practice as a physician  
1 19 assistant, psychology, chiropractic, nursing, dentistry,  
1 20 dental hygiene, dental assisting, optometry, speech pathology,  
1 21 audiology, pharmacy, physical therapy, physical therapist  
1 22 assisting, occupational therapy, occupational therapy  
1 23 assisting, respiratory care, cosmetology arts and sciences,  
1 24 barbering, mortuary science, marital and family therapy,  
1 25 mental health counseling, social work, dietetics, massage  
1 26 therapy, midwifery, athletic training, acupuncture, nursing  
1 27 home administration, hearing aid dispensing, or sign language  
1 28 interpreting or transliterating.  
1 29 Sec. 2. Section 147.2, subsection 1, Code 2009, is amended  
1 30 to read as follows:  
1 31 1. A person shall not engage in the practice of medicine  
1 32 and surgery, podiatry, osteopathic medicine and surgery,  
1 33 psychology, chiropractic, physical therapy, physical therapist  
1 34 assisting, nursing, dentistry, dental hygiene, dental  
1 35 assisting, optometry, speech pathology, audiology,  
2 1 occupational therapy, occupational therapy assisting,  
2 2 respiratory care, pharmacy, cosmetology arts and sciences,  
2 3 barbering, social work, dietetics, marital and family therapy  
2 4 or mental health counseling, massage therapy, midwifery,  
2 5 mortuary science, athletic training, acupuncture, nursing home  
2 6 administration, hearing aid dispensing, or sign language  
2 7 interpreting or transliterating, or shall not practice as a  
2 8 physician assistant, unless the person has obtained a license  
2 9 for that purpose from the board for the profession.  
2 10 Sec. 3. Section 147.13, Code 2009, is amended by adding  
2 11 the following new subsection:  
2 12 NEW SUBSECTION. 24. For midwifery, the board of  
2 13 midwifery.  
2 14 Sec. 4. Section 147.14, subsection 1, Code 2009, is  
2 15 amended by adding the following new paragraph:  
2 16 NEW PARAGRAPH. x. For midwifery, a total of five members,  
2 17 three members who are licensed professional midwives, one  
2 18 member who either is licensed under chapter 148, is practicing

2 19 in obstetrics, and has professional experience consulting for  
2 20 and collaborating with direct=entry midwives, or is an  
2 21 advanced registered nurse practitioner licensed under chapter  
2 22 152, is a certified nurse midwife, and has professional  
2 23 experience consulting for and collaborating with direct=entry  
2 24 midwives, and one member who is not a licensed midwife or a  
2 25 licensed health care provider who has received direct=entry  
2 26 midwifery services and who shall represent the general public.

2 27 Sec. 5. Section 147.74, Code 2009, is amended by adding  
2 28 the following new subsection:

2 29 NEW SUBSECTION. 5A. A midwife licensed under chapter 148F  
2 30 may use the words "licensed midwife" or the initials "L.M."  
2 31 after the person's name.

2 32 Sec. 6. NEW SECTION. 148F.1 DEFINITIONS.

2 33 As used in this chapter, unless the context otherwise  
2 34 requires:

2 35 1. "Board" means the board of midwifery.

3 1 2. "Licensed midwife" means a person who is licensed to  
3 2 practice midwifery under this chapter.

3 3 3. "Out-of-hospital" means any facility, institution, or  
3 4 place which is not an ambulatory surgical center or a  
3 5 hospital, such as a birth center as defined in section 135.61  
3 6 or a private home.

3 7 4. "Practice of midwifery" means the provision of primary  
3 8 maternity care during the antepartum, intrapartum, and  
3 9 postpartum periods by a person who is neither licensed to  
3 10 practice under chapter 148, nor a nurse recognized by the Iowa  
3 11 board of nursing as an advanced registered nurse practitioner  
3 12 who is a certified nurse midwife, and who is not rendering  
3 13 emergency services without compensation.

3 14 Sec. 7. NEW SECTION. 148F.2 LICENSURE == LICENSED  
3 15 MIDWIFERY.

3 16 An applicant for a license to practice midwifery shall be  
3 17 granted a license by the board when the applicant satisfies  
3 18 all of the following requirements:

3 19 1. Has submitted an application in a form prescribed by  
3 20 the department.

3 21 2. Has paid a fee as determined by the board.

3 22 3. Has fulfilled national certification requirements of  
3 23 the North American registry of midwives or its successor  
3 24 organization.

3 25 4. Holds current adult cardiopulmonary resuscitation and  
3 26 newborn resuscitation certifications through an organization  
3 27 approved by the department in collaboration with the board.

3 28 Sec. 8. NEW SECTION. 148F.3 USE OF TITLE == PENALTY.

3 29 A person shall not use the title "licensed midwife",  
3 30 describe or imply that the person is a licensed midwife, or  
3 31 represent the person as a licensed midwife unless the person  
3 32 is granted a license under this chapter or is licensed as a  
3 33 nurse=midwife under chapter 152.

3 34 Sec. 9. NEW SECTION. 148F.4 RULES.

3 35 1. The board shall adopt rules relating to:

4 1 a. Standards for professional conduct of persons licensed  
4 2 under this chapter.

4 3 b. The administration of this chapter.

4 4 c. The application of the certification requirements of  
4 5 the North American registry of midwives or its successor  
4 6 organization to criteria for licensure as a midwife under this  
4 7 chapter.

4 8 d. Procedures for the issuance, renewal, and revocation or  
4 9 suspension of a license under this chapter based on  
4 10 qualifications, standards, and scope of practice established  
4 11 by the North American registry of midwives or its successor  
4 12 organization.

4 13 e. The maintenance of a registry of licensed midwives and  
4 14 statistics on the practice of midwifery utilizing vital  
4 15 statistics data.

4 16 2. In establishing rules, the board shall consult with  
4 17 persons knowledgeable regarding the prenatal and postpartum  
4 18 birth process, particularly those possessing experience with  
4 19 out-of-hospital births, including but not limited to persons  
4 20 licensed under chapter 148, certified professional midwives,  
4 21 advanced registered nurse practitioners who are certified  
4 22 nurse midwives, and women who have given birth in an  
4 23 out-of-hospital setting.

4 24 3. Rules regarding the practice of midwifery shall be  
4 25 consistent with the North American registry of midwives'  
4 26 current job description for the profession and the standards  
4 27 regarding the practice of midwifery established by the  
4 28 national association of certified professional midwives or a  
4 29 successor organization, including guidelines for consultation,

4 30 referral, and transfer of care to the hospital setting when  
4 31 appropriate.

4 32 4. Rules may permit a licensed midwife to carry and  
4 33 administer certain medications during the practice of  
4 34 midwifery, including oxytocin, as a postpartum antihemorrhagic  
4 35 agent, oxygen, intravenous fluids for stabilization, vitamin  
5 1 K, eye prophylactics, and other drugs or procedures as  
5 2 appropriate for the scope of practice for licensed midwives  
5 3 and as determined by the board.

5 4 5. Rules shall not permit a licensed midwife to use  
5 5 forceps or vacuum extraction, or perform a surgical delivery.

5 6 Sec. 10. NEW SECTION. 148F.5 CLIENT DISCLOSURE.

5 7 Prior to accepting a patient for midwifery care, a licensed  
5 8 midwife shall provide information indicating all of the  
5 9 following:

5 10 1. Evidence that the care provider is a licensed midwife  
5 11 meeting the requirements of this chapter.

5 12 2. Whether the licensed midwife has malpractice liability  
5 13 insurance coverage and the policy limits of such coverage.

5 14 3. The midwife's educational background and relevant  
5 15 experience, including experience in various birth settings.

5 16 4. The nature, scope, and location of the care to be  
5 17 given, including the possibility of and the guidelines for  
5 18 consultation, referral, or transfer of the patient to a  
5 19 hospital from an out-of-hospital setting.

5 20 Sec. 11. NEW SECTION. 148F.6 EXCEPTIONS.

5 21 1. This chapter does not prevent qualified members of  
5 22 other professions, including but not limited to, individuals  
5 23 licensed under chapter 148 or 152 from providing services  
5 24 consistent with the nature of midwifery.

5 25 2. This chapter does not prevent or prohibit any person  
5 26 from performing tasks related to the practice of midwifery  
5 27 under the supervision of a licensed midwife, a certified nurse  
5 28 midwife, or a licensed physician or osteopathic physician  
5 29 during completion of the North American registry of midwives  
5 30 certification process.

5 31 3. The practice of midwifery in Iowa prior to the  
5 32 effective date of this chapter shall not constitute grounds  
5 33 for disciplinary action by the board. The board may issue a  
5 34 license to a person who has so practiced midwifery in Iowa  
5 35 upon application and compliance with the provisions of this  
6 1 chapter and the rules adopted pursuant to this chapter.

6 2 Sec. 12. NEW SECTION. 148F.7 LIABILITY.

6 3 Persons licensed under chapters 148 and 152 and other  
6 4 licensed health care providers shall not be held liable for  
6 5 the acts or omissions of a licensed midwife when they render  
6 6 birth-related services to the client of a licensed midwife.  
6 7 The liability of those licensed individuals in rendering care  
6 8 or assistance in good faith to a client of a licensed midwife  
6 9 is limited to the standard of care of the licensed  
6 10 individual's profession as applied to the licensed  
6 11 individual's own negligence or acts or omissions.

6 12 Sec. 13. Section 272C.1, subsection 6, Code 2009, is  
6 13 amended by adding the following new paragraph:

6 14 NEW PARAGRAPH. af. The board of midwifery, created  
6 15 pursuant to chapter 147.

6 16 Sec. 14. Section 272C.4, subsection 6, Code 2009, is  
6 17 amended to read as follows:

6 18 6. Define by rule acts or omissions that are grounds for  
6 19 revocation or suspension of a license under section 105.22,  
6 20 147.55, 148.6, 148B.7, 148F.4, 152.10, 153.34, 154A.24,  
6 21 169.13, 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15,  
6 22 or 602.3203 or chapter 151 or 155, as applicable, and to  
6 23 define by rule acts or omissions that constitute negligence,  
6 24 careless acts, or omissions within the meaning of section  
6 25 272C.3, subsection 2, paragraph "b", which licensees are  
6 26 required to report to the board pursuant to section 272C.9,  
6 27 subsection 2.

6 28 Sec. 15. INITIAL APPOINTMENTS.

6 29 1. Initial professional appointees to the board of  
6 30 midwifery shall fulfill the national certification  
6 31 requirements of the North American registry of midwives.

6 32 2. One of the initial professional appointments to the  
6 33 board shall be appointed for a one-year term, one member shall  
6 34 be appointed for a two-year term, and one member shall be  
6 35 appointed for a three-year term. The member who is licensed  
7 1 under chapter 148 or 152 shall be appointed for a two-year  
7 2 term, and the member representing the general public shall be  
7 3 appointed to a three-year term.

7 4 EXPLANATION

7 5 This bill creates new Code chapter 148F that provides for

7 6 the licensure of midwives under a title Act. A midwife is not  
7 7 an allopathic or osteopathic physician licensed under Code  
7 8 chapter 148 or a nurse licensed under Code chapter 152  
7 9 providing primary maternity care during the antepartum,  
7 10 intrapartum, and postpartum periods.  
7 11 The bill provides for the establishment of a five-member  
7 12 board of midwifery consisting of three members who are  
7 13 midwives, one physician or nurse, and one member who  
7 14 represents the general public. The bill provides for fees to  
7 15 fund the board and provides penalties for violation of the  
7 16 practice requirement; those penalties are set out for all  
7 17 health-related boards in Code chapters 147 and 272C. Code  
7 18 section 147.86 provides that it is a serious misdemeanor to  
7 19 violate a provision of the licensing laws.  
7 20 The board is similar in composition and responsibilities to  
7 21 other health-related licensing boards.  
7 22 LSB 2311HC 83  
7 23 jr/rj/14